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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,116	02/26/2004	Toshihiro Kobayashi	00862.023492.	1851

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EXAMINER	
LOVEL, KIMBERLY M	
ART UNIT	**PAPER NUMBER**
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,116	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Kimberly Lovel	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 2 and 5-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment filed 23 January 2007.

2. Claims 1, 2 and 5-14 are pending in this application. Claims 1, 11 and 14 are independent. In the amendment filed 23 January 2007, claims 1, 5-7, 10-12 and 14 were amended and claims 3 and 4 were canceled. This Action is made Final.

3. The rejections of claims 1 and 3-14 as being unpatentable over US Patent No. 7,062,532 to Sweat et al in view of US Patent No. 5,933,825 to McClaughry et al and of claim 2 as being unpatentable over US Patent No. 7,062,532 to Sweat et al in view of US Patent No. 5,933,825 to McClaughry et al in view of US Patent No. 6,215,495 to Grantham et al have been maintained.

Drawings

4. The objections to the drawings are withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claim 12** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 recites a control program stored in a computer-readable medium for making a computer execute an information processing method of claim 1.

The specification fails to explicitly define a computer-readable medium. However, the specification mentions both a transmission medium and a storage medium. A transmission medium is considered to be nonstatutory subject matter because it does not fall into any of statutory categories of invention. It is suggested that the computer-readable medium be changed to a computer-readable storage medium. According to MPEP 2106:

> There is always some form of physical transformation within a computer because a computer acts on signals and transforms them during its operation and changes the state of its components during the execution of a process. Even though such a physical transformation occurs within a computer, such activity is not determinative of whether the process is statutory because such transformation alone does not distinguish a statutory computer process from a nonstatutory computer process. What is determinative is not how the computer performs the process, but what the computer does to achieve a practical application. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

To allow for compact prosecution, the examiner will apply prior art to these claims as best understood, with the assumption that the applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,062,532 to Sweat et al (hereafter Sweat et al) in view of US Patent No. 5,933,825 to McClaughry et al (hereafter McClaughry et al).

Referring to claim 1, Sweat et al disclose an information processing method [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract)

via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a first designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a retrieval step, a determination step and a setting step. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a retrieval step of retrieving a data item [folders B and C and files D, E, F and G] which belongs to a lower layer with respect to the designated data item [folder A] designated in the first designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved);

a determination step of determining whether or not an exclusive control right by another process is set, for each data item in the retrieval step (McClaughry et al: see column 5, lines 36-58 and column 5, line 59 – column 6, line 14); and

a setting step of setting the exclusive control right for the specific process as to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and as to a retrieved data item retrieved in said retrieval step (see column 8, lines

59-60 – an RC lock is acquired for the children of folder A) and for which it is determined in said determination step that an exclusive control right by another process is not set (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of retrieving children in a hierarchy of objects and applying the same control rights as the parent as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

Referring to claim 5, Sweat/McClaughry discloses the method according to claim 1, further comprising:

a second designation step of designating a desired data item [folder A], an exclusive control right of which is to be released (McClaughry et al: see column 9, lines 16-21 – the move operation designates the desire to obtain a second Write Children (WK) lock on folder A); and

a first release step of releasing the exclusive control right of the specific process as to the designated data item and data items which are related to the data item designated in the second designation step and are retrieved in the retrieval step

(McClaughry et al: see column 9, lines 7-15 – a Write Children (WK) lock is acquired on folder A; after acquiring the WK lock, a Read Contents (RC) lock is obtained on item C; next the WK lock is released)).

Referring to claim 6, Sweat/McClaughry discloses the method according to claim 5, wherein said first release step includes a step of releasing the exclusive control right by the specific process of data items, for which no exclusive control right by another process is set, of the data items retrieved in said retrieval step (McClaughry et al: see column 5, lines 36-58 – determining if the lock is available and if so, acquiring the lock).

Referring to claim 7, Sweat/McClaughry discloses the method according to claim 1, wherein said setting step has a first setting mode [setting a read contents (RC) lock] for setting the exclusive control right by the specific process when no exclusive control right is set for the designated data item and all data items retrieved in the retrieval step (McClaughry et al: see column 5, lines 35-44), and a second setting mode [setting Hierarchy Read Contents (HRC) lock] for setting the exclusive control right by the specific process for data items for which no exclusive control right is set, of the designated data item and data items retrieved in said retrieval step (McClaughry et al: see column 5, line 58 – column 6, line 14), and an exclusive control right setting process is executed in a designated one of the first (McClaughry et al: see column 5, lines 41-44) and second setting modes (McClaughry et al: see column 6, lines 2-4).

Referring to claim 8, Sweat/McClaughry discloses the method according to claim 7, wherein a user can designate a desired one of the first and second setting

modes (McClaughry et al: see column 8, lines 59-60 – since the user is copying folder A, it is considered that the user is selecting to use a RC lock).

Referring to claim 9, Sweat/McClaughry discloses the method according to claim 7, wherein information indicating which of the first and second setting modes is to be applied is assigned to each of the plurality of data items (McClaughry et al: see column 8, lines 59-60 – the lock is acquired for folder A and the children of folder A).

Referring to claim 10, Sweat/McClaughry discloses the method according to claim 1, wherein an upper limit value of exclusive control rights to be set is set for each of the plurality of data items, and said setting step includes a step of setting the exclusive control rights within the set upper limit value (Sweat et al: see column 9, lines 19-34 – limiting the number of saved versions when determining the rights of a user).

Referring to claim 11, Sweat et al disclose an information processing apparatus [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a holding unit [ProjectPoint contains projects] for holding hierarchical structure information of the plurality of data items (see column 3, line 57 – column 4, line 26);

a first designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitation of a setting unit. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitation of a setting unit for setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item which is related to the designated data item (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) on the basis of the hierarchical structure information and belongs to a layer lower than the data item designated by said first designation unit (see column 8, lines 45-48 – the children of folder A are retrieved), wherein the setting unit sets exclusive control right of the specific process only as to data items, to which no exclusive control right is set by another process, including the designated data item and data items which belong to a lower layer than the designated item (see column 5, lines 35-48 and column 5, line 59 – column 6, line 14) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of retrieving children in a

hierarchy of objects and applying the same control rights as the parent as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

Referring to claim 12, Sweat/McClaughry discloses a control program [software] stored in a computer-readable medium for making a computer execute an information processing method of claim 1 (Sweat et al: see column 3, lines 36-39).

Referring to claim 13, Sweat/McClaughry discloses a storage medium storing a control program for making a computer execute an information processing method of claim 1 (Sweat et al: see column 3, lines 27-35).

Referring to claim 14, Sweat et al disclose an information processing method [method for a project hosting service that a user can communicate and collaborate with members of a design team] for setting an exclusive control right of a data item by a specific process in a system [a user can download files to work on them, while locking the file to prevent others from overwriting the file] in which a plurality of processes that can communicate with each other [a user communicates with other users] (see abstract) via an information transmission medium [Internet] share data including a plurality of data items (see column 3, lines 12-35), comprising:

a designation step [locking a file] of designating a desired data item [a selected file] for which the exclusive control right [locking a file by Administrators or Editors – since locking a file prevents other project members from editing the file, a lock is

considered to represent an exclusive control right given to Administrators and Editors] is to be set (see column 15, lines 23-26).

However, Sweat et al fail to explicitly disclose the further limitations of a setting step of setting the exclusive control right by the specific process to the designated data item and a data item which belongs to a layer lower than the data item designated in the designation step on the basis of hierarchical structure information of the plurality of data items. McClaughry et al disclose a method for applying locks to files wherein a plurality of processes share data items (see abstract), including the further limitations of:

a setting step of setting the exclusive control right by the specific process to the designated data item (see column 8, lines 44-45 – a WK lock is acquired for folder A) and a data item (see column 8, lines 59-60 – an RC lock is acquired for the children of folder A) which belongs to a layer lower than the data item designated in the designation step on the basis of hierarchical structure information of the plurality of data items (see column 8, lines 45-48 – the children of folder A are retrieved), wherein the setting unit sets exclusive control right of the specific process only as to data items, to which no exclusive control right is set by another process, including the designated data item and data items which belong to a lower layer than the designated item (see column 5, lines 35-48 and column 5, line 59 – column 6, line 14) in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize McClaughry et al's method of applying the control rights to

an item and then applying the same control rights to the children of the item as a subcomponent to Sweat et al's method for determining an object in which a control right is to be set. One would have been motivated to do so in order to provide a mechanism for administrators and users to organize and set access permissions to a hierarchy of data items utilized by a plurality of processes (Sweat et al: see column 1, lines 34-37).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,062,532 to Sweat et al in view of US Patent No. 5,933,825 to McClaughry et al as applied to claim 1 above, and further in view of US Patent No. 6,215,495 to Grantham et al (hereafter Grantham et al).

Referring to claim 2, Sweat/McClaughry discloses assigning control rights to data items in a hierarchy, however, Sweat/McClaughry fails to explicitly disclose the further limitation wherein the data is a scene graph database, which is referred to upon generation of computer graphics of a virtual space. Grantham et al also disclose assigning control rights to data items in a hierarchy (see abstract and column 7, lines 49-54), including the further limitation wherein the data is a scene graph database which is referred to upon generation of computer graphics of a virtual space (see column 4, lines 17-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Grantham et al's scene graph database as the data described by Sweat/McClaughry. One would have been motivated to do so in order to

provide since the method of Sweat/McClaughry can apply to any database (Sweat et al: see column 3, lines 52-55).

Response to Arguments

9. Applicant's arguments filed in regards to claims 1, 2 and 5-14 have been fully considered but they are not persuasive.

10. The amendment fails to overcome the 101 rejection of claim 12 for the reasons stated above.

11. In regards to applicants' arguments on page 10 referring to the prior art rejection of claims 1 and 3-14, applicants state: Even if McClaughry describes setting a control right to a designated data item and to data items belonging to a layer lower than the designated data item, at most McClaughry is determining whether a lock is available regarding only the designated data item. Applicant submit that nothing in McClaughry would disclose or suggest determining whether an exclusive control right belonging to another process is set for each data item retrieved as belonging to a lower layer than a designated data item; much less the setting of an exclusive control right by a specific process to a data item, to which no exclusive control right is set for another process, and belonging to a lower layer than the designated data item, as recited in claim 1.

The examiner respectfully disagrees. As stated above, McClaughry discloses these limitations in column 5, lines 35-48 and column 5, line 59 – column 6, line 14. McClaughry scans the hierarchy to determine in which locations the locks exist.

Furthermore, McClaughry only allows for a lock request to be granted in the case where a lock is not already set.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel
Examiner
Art Unit 2167

26 March 2007
kml

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